IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 10772 of 2007(G)

PETITIONER:

C.K.BABU, AGED 59 YEARS,
S/O.C.L.KUJAPPAN, CHOZHIATTIL HOUSE,
KUZHAL NAGAR, HOSDURG TALUK, VILLAGE,
KASARAGOD DISTRICT, KANHANGAD.

BY ADV. SRI.P.K.SAJEEV

RESPONDENTS:

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1. KANHANGAD MUNICIPALITY,
KASARAGOD DISTRICT, REPRESENTED BY ITS SECRETARY.

2. THE CHAIRMAN,
KANHANGAD MUNICIPALITY, KASARAGOD DISTRICT.

3. KRISHNAMANI, P.K.,
PROPRIETOR, MYTHRI ARTS, PANATTICHAL,
PERILYA P.O., KANHANGAD, KASARAGOD DISTRICT.

BY ADV. SMT.C.G.PREETHA
SRI.T.K.VIPINDAS FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the representation dated 27.2.2007 given by the petitioner to the 1st respondent.

Ext.P2: True copy of the receipt No.1302 having file No.2110/07 issued by the 1st respondent for the receipt of Ext.P1.

Ext.P3: True copy of the representation dated 27.2.2007 given by the petitioner to the 1st respondent.

Ext.P4: True copy of the receipt No.1301 having file No.2108/07 issued by the 1st respondent for the receipt of Ext.P3.

Ext.P5: True copy of the notice dated 10.2.2007 send by the petitioner to the 3rd respondent.

Ext.P6: True copy of the notice dated 10.2.2007 send by the petitioner to the 1st respondent.

Ext.P7: True copy of the resolution No.20 dated 6.3.2007 passed by the council of the 1st respondent.

RESPONDENT'S EXHIBITS:

Ext.R1(a): True copy of the tender notice dated 13.2.2007.

Ext.R1(b): True copy of the letter dated 25.4.2007 issued by the 3rd respondent to the Municipality.

Ext.R3(a): True copy of the letter dated 25.4.2007.

// True copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)No.10772 OF 2007

Dated this the 29th day of June, 2007

JUDGMENT

Petitioner and respondent no.3 had responded to a Tender Notification issued by respondent no.1, Municipality for the right to collect advertisement tax within its limits.

2. It is not in dispute that petitioner had offered Rs.28,000/- in the sealed tender submitted by him whereas respondent no.3 had quoted Rs.30,500/-. Obviously, the amount offered by respondent no.3 was higher.

3. However, it appears that petitioner had informed the Municipality that he was prepared to offer Rs.5,000/- over and above the amount quoted by him in his tender paper. But the Municipality was not prepared to accept the offer made by the petitioner at that belated stage. The above resolution passed by the Municipality is sought to be challenged in this writ petition filed under the Article 226 of the Constitution of India.

I do not find any reason to interfere with the decision of the Municipality. As mentioned earlier, petitioner had offered lesser amount than what was offered by respondent no.3. It may be true that petitioner had a second thought about his offer and he might have offered a little more when it was revealed that respondent no.3 had quoted a higher amount. In any view of the matter, I do not find this is a fit case to invoke the jurisdiction of this court under Article 226 of the Constitution. Writ petition fails and it is accordingly dismissed.

A.K.BASHEER, JUDGE

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